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SUBJECT: CANADIAN FORUM OF FEDERATIONS IRAQ TEAM ON THE NEW CONSTITUTION

Classified By: POL/MC Brian Flora, reasons 1.4 (b) (d)

11. (C/NF) Summary: Former Canadian Deputy Minister for Natural Resources George Anderson recently returned from Iraq where he was an advisor to the constitutional committee as part of a Forum of Federations team under contract with NDI. He said that the Canadian International Development Agency has given the Forum an additional CN \$2 million for Iraq programs, which it plans to use to bring Iraqi officials and civic leaders to federation countries on study tours over the next two and a half years. The Forum has also received funding for similar programs in Sudan.

12. (C/NF) Anderson was surprised by the enthusiasm of those working on the constitution and by the dynamism of civil society in Iraq. He was cautiously optimistic at best about the constitution itself, however, evincing concern about the chaotic nature of the process, and with the uncertain end-product. He doubted whether the current exercise would settle the largest issues and could apply a model which is simply dysfunctional. He believes that Britain's arrangement with Scotland, though not technically a federation, may be the best model for Iraq, with Spain being a second model worth considering. The key for Anderson is an arrangement which allows the Sunni-Shi'ite areas to be strongly governed from Baghdad, while allowing the Kurds relative autonomy in the north. Forcing one area to compromise its needs to meet the needs of the other will not work; a form of "asymmetric federalism" is what will be needed. End Summary

FORUM OF FEDERATION PROGRAMS IN IRAQ AND SUDAN

13. (C/NF) Poloff met August 4 with George Anderson, former Assistant Deputy Minister for Natural Resources and a senior member of the Forum of Federations. The Forum was started in the late 1990s in the wake of the referendum over Quebec sovereignty, as an independent organization that would build ties with other federations to highlight the benefits of federalism and improve the study of the federalist form of government. Since that time it has become one of the foremost venues in the world for federalist states to advance their understanding of the practice, and has developed a number of programs for sharing the experiences of federalist states with nations in transition.

14. (C/NF) Anderson has recently returned from Iraq, where he headed the Forum of Federation's constitutional team, under contract to NDI to provide advisory support for the Constitutional Committee. It sent several individuals for various periods of time, to include former Ontario Premier Bob Rae, and has one expert in Baghdad now. Anderson said that in addition to NDI funding, the Forum has now received CIDA funding of CN \$2 million to stay involved in Iraq for the next two and a half years. The Forum also hopes that there will be additional NDI funding.

15. (C/NF) Anderson said that given the impossibly tight security in Iraq, the Forum plans to focus its efforts on funding study trips for Iraqis to Canada and other federation countries, and producing educational materials that would shore up understanding and support for the new constitution. If the Iraqi constitution ends up creating a federation of some sort, Anderson said that the Forum would be willing to provide training and observation visits for groups of Iraqis on such topics as comparative federalism, legal framework and application of federalism, and management of the civil service. It would also provide "train-the-trainer" courses for Iraqis in government and NGOs. He said they were also looking for local Iraqi NGOs to partner with in the various regions to do administration of justice and other programs. Federation programs are active in seven countries, and Anderson said that they could set up study trips to multiple locations or bring groups to Canada and pull in experts from other countries for programs here.

16. (C/NF) Anderson also mentioned that the Forum had received

funding from CIDA to do a similar program in Sudan. There it hoped to find an easier work environment, and Forum officials envisioned something closer to the project they directed in South Africa, where teams were able to work for several months in various parts of the country, instructing and educating people about the merits of federalism.

FORUM EXPERTS ON THE IRAQI CONSTITUTION

17. (C/NF) Anderson said he was struck by the growing dynamism of civil society in Iraq and was encouraged by the energy and determination he saw among the Iraqis he worked with. He was not sure the energy would eventually lead to something that resembles a constitution as we know it, however, especially on the issue of federalism. Anderson was struck by how little understanding there was committee members of federalism -- he said there was great difficulty even finding a word in Arabic that could convey the concept. The Committee Vice Chair claimed to accept it as something viable for Iraq, but when pressed, Anderson said it was clear that he hadn't really thought through what it meant or how to make it work.

18. (C/NF) Anderson described the constitution drafting process as very chaotic, and not something that was guided by the normal systematic technical analysis which leads to the isolation of issues and development of answers. He was also concerned with the lack of transparency, and said that even within the committee itself not everyone knew what everyone else was doing. Anderson was also surprised that there was no involvement by ministries and government technical experts, which had been the case in all other constitutions he has worked on.

WHAT MIGHT WORK?

19. (C/NF) The key to a successful constitution, Anderson believes, is what the Kurds are willing to accept. It is a given that they will allow treaties and foreign relations to be conducted by the central government, but will they, for example, integrate the Peshmerga into the national security forces? He made reference to the Kurdish National Assembly's vote that the National Army may not enter Kurdistan without its approval as an example of how difficult this issue will be. The Kurds, Anderson said, also want initial control of resources and resource wealth, which will be problematic because of Kirkuk. But he also believes that Baghdad can use the fact that the oil reserves are outside Kurdistan proper to force Kurdish compliance and bring them fully into the fold. The power of the purse in this case, will be about all the central government has.

110. (C/NF) Of possible models for Iraq from a federal perspective, Anderson thinks that Spain or Britain would be the most likely to succeed. Even though not technically a federation, Anderson thought that the arrangement Britain has with Scotland most closely resembles what he believes Iraq will require with relation to Kurdistan. He does not believe that the Sunni and Shi'ite areas are ready for any autonomy, lacking both the technical capacity to govern their provinces independent of Baghdad, and any real social cohesion. The southern three provinces centered around Basra are the closest to sharing the Kurd's capacity and penchant for self government, but they are not there yet. He believes a constitution that allows for those kinds of arrangements to evolve over time might work, but for now a strong central government for the center, west, and south, with strong autonomy in the north, will be essential, and he thought, workable.

111. (C/NF) Anderson said that he was not sure this kind of model was being considered, and in fact, wasn't sure the model that is being developed made sense. He saw the tough issues being kicked down the road, which may allow the flexibility to buy some time and still have a workable outcome, but could also lead to a hardening of positions on the ground. He fears things are headed in the direction of a three state federation, a serious concern as an expert from the federation reminded him that most 2-3 state federations have had a "sad history." Finally, Anderson believes the constitutional committee would have benefited from an additional month or two to do its work. He understands the urgency of meeting the deadline, but also is aware of the difficulties which working through so many large issues so rapidly is causing.

112. (C/NF) Comment: Anderson had a limited view of the constitution but his perspective on federalism may be useful. The Forum brings together individuals from all the world's federations and are an excellent venue for considering different models for nations in transition. They would appear to put funding to good use in places like Iraq and Sudan and could well serve as a useful partner for these kinds of projects in the future.

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